



# **Water Reservation for the Caloosahatchee River (C-43) West Basin Storage Reservoir**

**Water Resources Advisory Commission Meeting  
February 6, 2014**

**Beth Lewis**

**State Policy Chief**

**Office of Everglades Policy and Coordination**

# Water Reservation Background

- Governing Board directed staff to focus the reservation rule on protection of water for the CERP Caloosahatchee River (C-43) West Basin Storage Reservoir project
  - Reserve water consistent with PIR
- Reservation is prospective
  - Reservation required for Federal government to sign Project Partnership Agreement
- Reservation is implemented through consumptive use permitting process



# Water Reservation Rule Development Timeline

Reservation Activity	Date
WRAC and Governing Board Meeting - Briefing for Proposed Rulemaking	November, 2011
Governing Board Direction on Scope of C-43 and Biscayne Bay Coastal Wetlands (BBCW) Reservations	December, 2011
C-43 Public Workshops	February/ March 2012
BBCW Reservation Rule Adopted	June 2013
Technical Report and Revised Draft Rule Language Completed	July-December 2013
C-43 Public Workshop #3	January 23, 2014
WRAC Meeting	February 6, 2014





# C-43 Project Background

- Improve the quantity and timing of freshwater flows to the Caloosahatchee Estuary
- Capture excess flows and reduce a portion of damaging high flows to the Estuary during the wet season
- Release water to the estuary, when needed, during the dry season
- Improve salinity regime in the downstream estuary
- Improve habitat function for estuarine biota

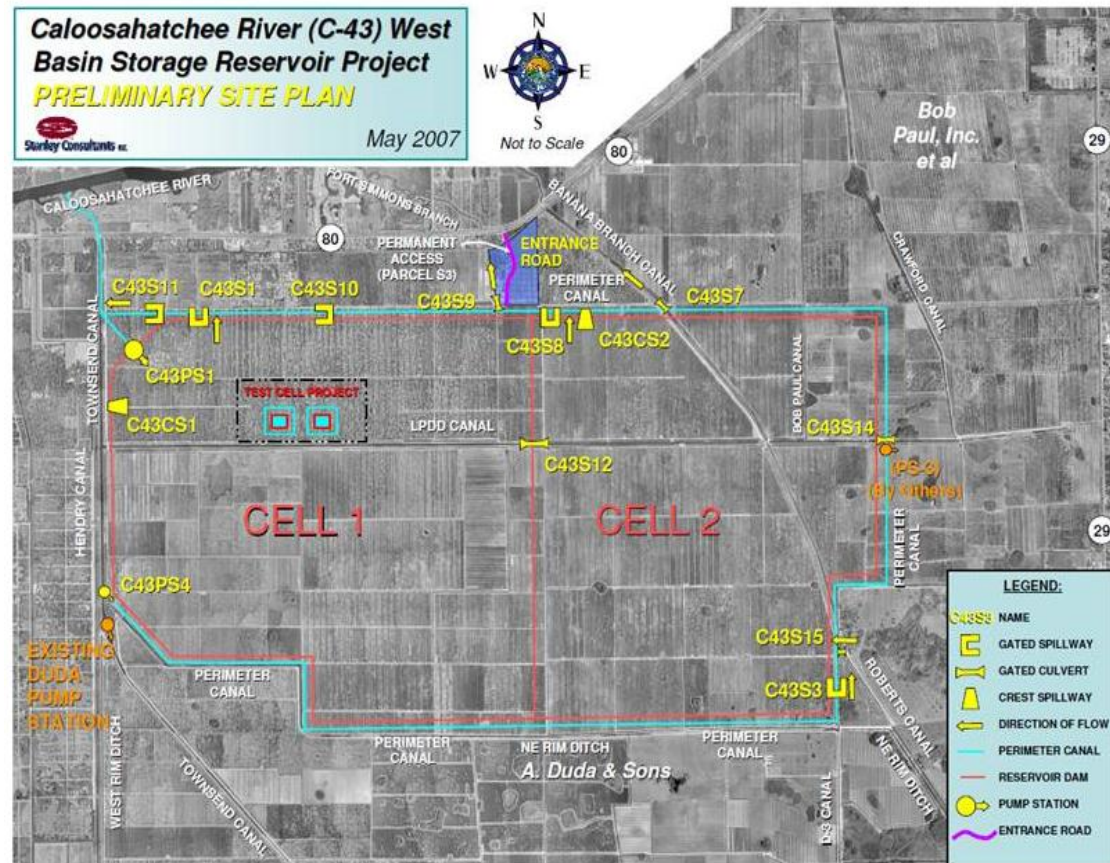


# C-43 Project Location



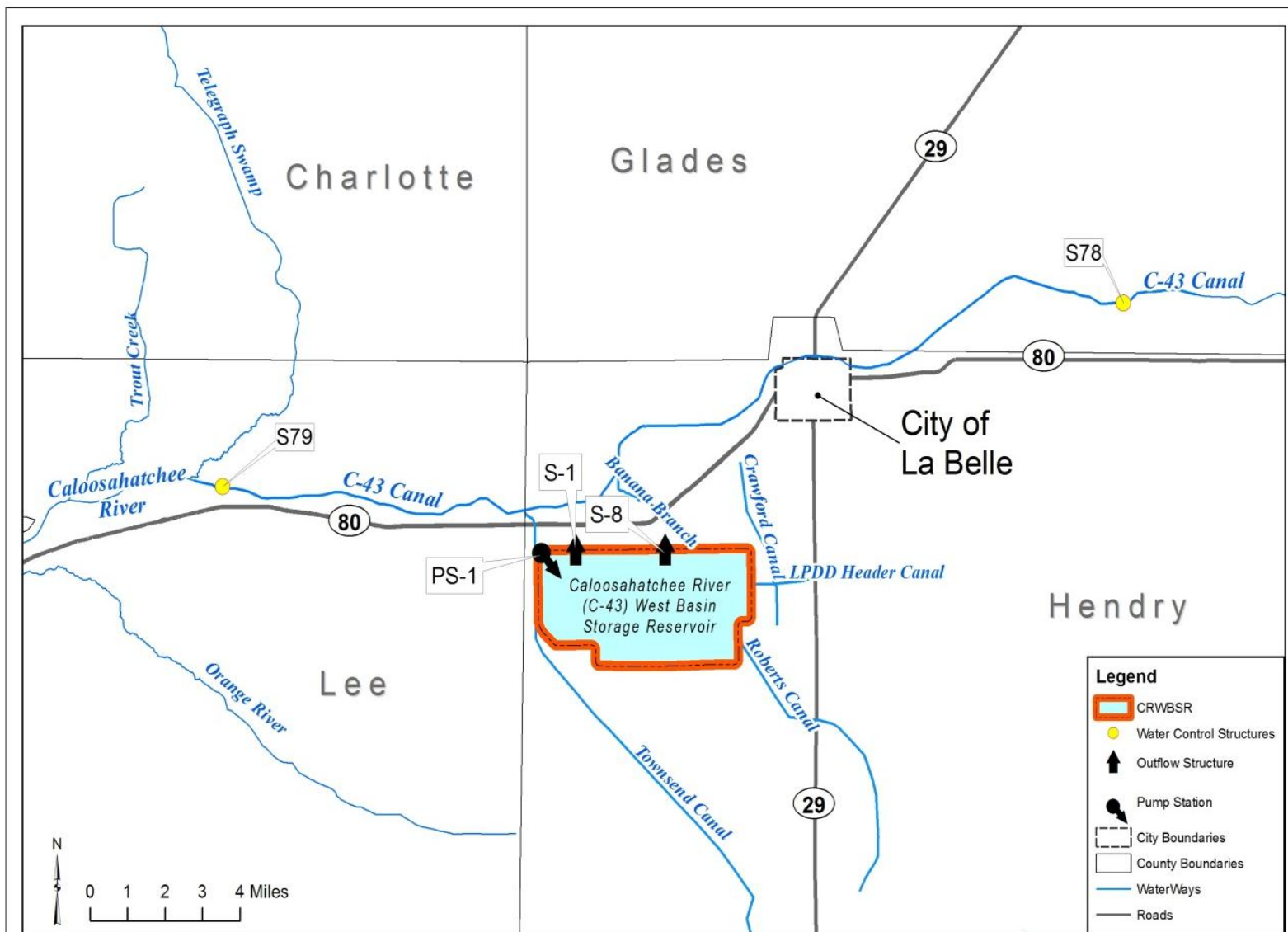
# C-43 Project Features

- Project Size – 10,700 Ac
- Storage – 170,000 Ac-Ft
- Project Implementation Report Completed – September 2007
- Chief's Report & Record of Decision – May 2011
- Awaiting Congressional Authorization





# Protected Water Body



# Draft Rule Components

- **Chapter 40E-10, F.A.C., Water Reservations**
  - Includes definitions
  - Identifies the reservation water body
  - Identifies the volume & seasonality of reserved water
- **Rule 40E-2.091, F.A.C., Incorporation by Reference**
  - Addition to the Basis of Review/ Applicant's Handbook
  - Contains specific implementation criteria for CUP review





# Components of the Proposed Water Reservation Rules

- All surface water contained within and released, via operation, from the C-43 Reservoir is reserved
- Water reserved will be available for fish and wildlife upon a formal determination of the Governing Board, pursuant to state and federal regulations, that the C-43 Reservoir is operational
- The reservation shall be revised pursuant to Section 373.223(4), F. S. in light of changed conditions or new information
- Existing legal uses as of the rule adoption date are not contrary to the public interest



# Summary of Public Comments

- Need holistic process to identify water for full restoration of the estuary
- Need a broader reservation to protect fish & wildlife
- Use best available science to identify seasonal flows and benefits to estuary
- Allow adaptive management and periodic reviews of rule to address reservoir performance
- SERC should include impacts of algal blooms and ecosystem services



# Summary of Public Comments

- Eastern indigo snakes are likely to be a concern during permitting and construction
- Revise figures in rule to clearly identify water bodies for reservation
- Remove rule language indicating existing legal uses are not contrary to the public interest
- Rule language should be added to prevent issuance of future water use permits before reservoir is operational
- Rule should state when quantities will be available and clarify timing with operational language





# Next Steps

C-43 Reservation Activity	Date
Governing Board Meeting - Notice of Proposed Rule	February 13, 2014
Request Review by Office of Fiscal Accountability and Regulatory Reform	February 2014
Publish Proposed Rule in Florida Administrative Register	February 2014
Comment Period	February/ March 2014
Rule Adoption/ Public Hearing	April 2014
Rule becomes effective 20 days after filing with Dept. of State	June 2014



**Questions?**